

**PRIVATE DETECTIVE ADVISORY COMMITTEE
MINUTES
MADISON, WISCONSIN
September 21, 1999**

PRESENT: James Gilboy, James Krause, Karen Morales, Gary Peterson, John Schatzman, Paul Klumb (arrived at 9:51), Johnny Cash, Robert Hoeg (arrived at 9:49), Edward O'Brien, and Steven Watson

ABSENT: David Cihlar

STAFF PRESENT: Clete Hansen, Bill Black, and Becky Fry; Marlene Cummings was present for a portion of the meeting.

CALL TO ORDER

The meeting was called to order at 9:35 a.m. by Clete Hansen, upon confirmation that the public notice was timely given.

APPROVAL OF AGENDA

By consensus, the agenda was adopted as published.

MINUTES (6/8/99)

MOTION: John Schatzman moved, seconded by Gary Peterson, to approve the minutes as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary Cummings' Report

Secretary Cummings informed the Section that the budget has not yet been passed. She explained that expenditures are based on projected revenues from an increased fee schedule and without an approved budget it will cause problems for the Department. She explained that by the end of October, the department will have lost \$400,000 in revenue. She indicated that an amendment is needed to allow for the retroactive collection of fees.

Secretary Cummings and the Committee discussed the separation of private detectives and private security persons.

Secretary Cummings explained that the nursing industry is working on a national license where requirements for practice will be the same throughout the United States. Discipline will take place in the home state.

Bureau Director's Report

Clete Hansen introduced Legal Counsel, Bill Black, to the Committee. Clete Hansen referred to the legal opinion prepared by Bill Black, relating to a person who wants to do computer forensic research.

- **Roster**

Clete Hansen noted the updated roster and asked the Committee to indicate any changes or corrections.

- **Legislation**

Clete Hansen indicated that private detective fees are scheduled to decrease. He indicated that there is a problem right now with renewing licenses for private detectives and private security persons because they can only be renewed if they work for an agency. The agency must be renewed also which makes the renewal process more hands-on, less computer-oriented and more problematic. The proposal is that agencies renew one year and the individual agents renew the following year. This proposal was eliminated from the budget bill, but separate legislation is being worked on.

The Private Security Advisory Committee recommended a 90-day temporary permit for private security persons. This issue will also be included in a bill.

FIREARMS

Clete Hansen referred to the information he received from surrounding states in relation to carrying firearms. He indicated that a majority of the surrounding states put the responsibility on the local unit of government to issue firearms permits.

Secretary Cummings and the Committee discussed the qualifications required for a person to carry a concealed weapon with regards to zero tolerance for incompetence.

Committee members agreed that Defense and Arrest Tactics (DAT) training would need to be mandatory for carrying concealed weapons.

Committee members who prefer to carry concealed weapons gave reasons for that need. They indicated that not all private detectives want or need to carry weapons. Those who want to carry should have initial training and regular on-going training.

Clete Hansen stated that the Private Security Advisory Committee is recommending several classifications of security guards with various levels of responsibility.

Clete Hansen indicated that Wisconsin statutes state private security persons may provide private security on “private property.” The private security people would like to eliminate the words “private property.”

The Committee discussed the rules for carrying weapons for “executive protection.” Some felt it was an unfair advantage that sworn officers can be bodyguards and carry a concealed weapon, whereas private detectives acting as private security persons cannot.

The Committee and Secretary Cummings discussed the problem of private detectives taking a part-time job in a small town as a sworn police officer to get around concealed carry.

MOTION: Bob Hoeg moved to allow private detectives, with proper training and a firearms card, to carry non-concealed firearms in plain sight, without any identifying badges. Motion withdrawn for lack of a second.

Recommendations of the Committee included: to level the playing field through a change in the statutes to create a separate license for “executive protection” and that they be permitted to carry a concealed weapon.

Bill Black will research limits on local gun control and carrying firearms. He will also work with Robert Hoeg to define “executive protection,” to allow executive protection people to carry a concealed weapon and to support some language for separate licensure.

SEPARATION OF PRIVATE DETECTIVE AND PRIVATE SECURITY COMPANY LICENSES

The Committee held discussion regarding the separation of private detective agencies and private security companies licensing.

MOTION: James Gilboy moved, seconded by Johnny Cash, to separate private detective agencies and private security companies, requiring two separate licenses. Motion carried unanimously.

ACTIVITIES REQUIRING LICENSING

Bill Black explained his memo relating to activities requiring licensing in regards to electronic gathering of information.

The Committee discussed the legality and regulation of people gathering information electronically, whether they should be licensed, and the characteristics of a private detective.

STANDARDIZED PHOTO IDENTIFICATION CARDS

The Committee discussed the need for a standardized photo identification card for private detectives that can be used by all professions. They recommended the department use a two-sided license. Information on the front of the license (the name and address of licensee, license number, expiration date, and room for signature of licensee) should remain. It was recommended that enough room be left on the back of the license for the name of the private detective agency, the private detective agency address and phone number, the physical description of the agent, and a photo of the bearer. The individual licensed would be responsible for filling out the information, attaching a photo and laminating the card if they so choose.

MOTION: James Gilboy moved, seconded by Karen Morales, to request the department to create a two-sided computer-generated license to be used by all licensed private detectives. Motion carried unanimously.

CONTRACTS FOR SERVICES

Jim Krause indicated that he would like to add an exemption under RL 33.06 to include paragraph (d), which should say: “when providing services to an insurance company.”

The Committee discussed including “corporations and businesses” with the exemptions in RL 33.06. Further discussion was deferred to the next meeting.

MOTION: Jim Krause moved, seconded by John Schatzman, to add an exemption to RL 33.06(d), which should say: “when providing services to an insurance company.” Motion carried unanimously.

SCHEDULE NEXT MEETING

The next meeting is scheduled for November 17, 1999 at 9:30 a.m.

ADJOURNMENT

The meeting adjourned at 11:59 a.m.